

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**08 CV 01108**

-----X  
HAFEZ AHMED and ROKEYA BEGUM,

Plaintiffs,

Case No.:

-against-

**NOTICE OF FILING OF  
NOTICE OF REMOVAL**

MOHAMMED SIDDIQUE, PAUL N. SENSENIG  
and WELLS BROTHERS INC.,

Defendants.  
-----X

**C O U N S E L O R S :**

**PLEASE TAKE NOTICE**, that a Notice of Removal of the above-captioned action from the Supreme Court of the State of New York, County of Bronx, to the United States District Court for the Southern District of New York, a copy of which is annexed hereto, was duly filed in the United States District Court for the Southern District of New York.

**PLEASE TAKE FURTHER NOTICE**, that a copy of said Notice of Removal was filed with the Clerk of the Supreme Court of the State of New York, County of Bronx, in accordance with 28 U.S.C. § 1446(d).

Dated: New York, New York  
January 31, 2008

Yours, etc.,

LITCHFIELD CAVO LLP

By:   
Edward Fogarty, Jr. (4587)

420 Lexington Avenue, Suite 2104  
New York, New York 10170  
(212) 434-0100

*Attorneys for Petitioner*

**Paul N. Sensenig & Wells Brothers Inc.**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
HAFEZ AHMED and ROKEYA BEGUM,

Plaintiffs,

-against-

MOHAMMED SIDDIQUE, PAUL N. SENSENIG  
and WELLS BROTHERS INC.,

Defendants.  
-----X

Case No.:

**NOTICE OF REMOVAL**

**TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT  
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

PAUL N. SENSENIG and WELLS BROTHERS INC., defendants in the above-captioned action, respectfully provide this Notice of Removal to the Court of an action now pending in the Supreme Court of the State of New York, County of Bronx. As grounds for removal, defendant, by its attorneys, LITCHFIELD CAVO LLP, respectfully sets forth the following:

1. On the 3<sup>rd</sup> day of January 2008, an action was purportedly commenced against the petitioner in the Supreme Court of the State of New York, in and for the County of Bronx, entitled HAFEZ AHMED and ROKEYA BEGUM v. MOHAMMED SIDDIQUE, PAUL N. SENSENIG and WELLS BROTHERS INC., Docket No.: 300036/08, by filing a copy of the summons and complaint with the clerk of the court. True and correct copies are annexed hereto as Exhibit "A".

2. The summons and complaint annexed hereto constitute "all process, pleadings and order" purportedly served upon defendants in the aforesaid action, within the meaning of 28 U.S.C. §1446(a). Defendants/petitioners have not answered the complaint and the time within which they may answer or move with respect to the complaint has not expired.

3. Defendants/petitioners, PAUL N. SENSENIG and WELLS BROTHERS INC., purportedly were served a copy of the complaint on or after January 15, 2008, by service upon the

Secretary of State for the State of New York. A Notice of Removal is being filed within thirty days after receipt by defendant WELLS BROTHERS INC., of a copy of the complaint, and is timely filed under 28 U.S.C. §1332. There is no indication that defendant PAUL N. SENSENIG, has received a copy of the pleadings as of this filing, or that service has been completed under New York Vehicle and Traffic Law §253.

4. Upon the information provided in the summons and complaint, at the time this action was commenced, plaintiffs reside in the State of Connecticut.

5. At the time of the commencement of this action, upon information and belief, WELLS BROTHERS INC., was and is a Foreign Corporation with its principal place of business in Pennsylvania. Defendant PAUL N. SENSENIG is a resident of Pennsylvania.

6. The above described action is a civil action of which this court has diversity jurisdiction under the provisions of Title 28, U.S.C. §1441, in that plaintiffs, HAFEZ AHMED and ROKEYA BEGUM, were residents of the State of Connecticut; and that WELLS BROTHERS INC., was and is a Foreign Corporation with its principal place of business in Pennsylvania, and PAUL N. SENSENIG is a Pennsylvania resident.

**WHEREFORE**, petitioner prays that the above action now pending against him in the Supreme Court of the State of New York in and for the County of Bronx, be removed therefrom to this Court.

Dated: New York, New York  
January 31, 2008

Yours, etc.,

LITCHFIELD CAVO LLP

By: 

Edward Fogarty, Jr. (4587)

420 Lexington Avenue, Suite 2104

New York, New York 10170

(212) 434-0100

*Attorneys for Defendants*

*Paul N. Sensenig & Wells Brothers Inc.*

**EXHIBIT "A"**

Call no. 734489

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
HAFEZ AHMED,

*Plaintiff,*

*-against-*

MOHAMMED SIDDIQUE, PAUL N. SENSENIG,  
AND WELLS BROTHERS INC. ,

*Defendants.*  
-----X

Index No.: 300036-08  
Date Purchased: 1-3-08  
**SUMMONS**


Plaintiff designates KINGS  
County as the place of trial.

The basis of venue is:  
CPLR § 503(a) plaintiff chooses  
Bronx county since none of the  
parties reside in New York State

**To the above named Defendants:**

**You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.**

Dated: BROOKLYN, NEW YORK  
January 2, 2008

  
\_\_\_\_\_  
ARKADY FREKHTMAN  
FREKHTMAN & ASSOCIATES  
Attorneys for Plaintiff  
60 Bay 26<sup>th</sup> Street  
Brooklyn, New York 11214  
718-331-7700

TO: MOHAMMED SIDDIQUE  
125 Railroad Street New Milford, CT 06776

PAUL N. SENSENIG  
2251 York Rd. Gettysburg, PA 17325

WELLS BROTHERS INC.  
1060 Zinnsquarry Rd York, PA 17404

BRONX COUNTY  
CLERK  
08 JAN -3 11 3:52

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

-----X  
HAFEZ AHMED AND ROKEYA BEGUM,

*Plaintiffs,*

-against-

WELLS BROTHERS INC., PAUL N. SENSENIG,  
AND MOHAMMED SIDDIQUE,

*Defendants.*  
-----X

Index No.:

Date Purchased:

**VERIFIED COMPLAINT**

Plaintiff, by his attorneys, **FREKHTMAN & ASSOCIATES**, complaining of the Defendants, respectfully alleges, upon information and belief, as follows:

1. At all times herein mentioned, Plaintiff **HAFEZ AHMED** was and still is resident of the State of Connecticut.
2. At all times herein mentioned, Plaintiff **ROKEYA BEGUM** was and still is the spouse of plaintiff Ahmed and a resident of the State of Connecticut.
3. At all times herein mentioned, Defendant, **MOHAMMED SIDDIQUE**, was a resident of the State of Connecticut.
4. At all times herein mentioned, Defendant, **PAUL N. SENSENIG** was and still is a resident of the State of Pennsylvania.
5. At all times herein mentioned, Defendant, **WELLS BROTHERS INC.** was and still is a corporation duly organized and existing pursuant to the laws of the State of Pennsylvania.

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COUNTY CLERK  
BRONX COUNTY

6. At all times herein mentioned, Defendant, **WELLS BROTHERS INC.**, was the owner of a 2007 Peterbuilt tractor trailer K1 type motor vehicle bearing Pennsylvania State registration number AF45313.

7. At all times herein mentioned, Defendant, **PAUL N. SENSENIG**, operated the aforesaid motor vehicle.

8. At all times herein mentioned, Defendant, **PAUL N. SENSENIG**, operated the aforesaid motor vehicle with the knowledge of the Defendant **WELLS BROTHERS INC.**.

9. At all times herein mentioned, Defendant, **PAUL N. SENSENIG**, operated the aforesaid motor vehicle with permission of the Defendant **WELLS BROTHERS INC.**.

10. At all times herein mentioned, Defendant, **PAUL N. SENSENIG**, operated the aforesaid motor vehicle in the scope of employment with the Defendant **WELLS BROTHERS INC.**.

11. At all times herein mentioned, Defendant, **WELLS BROTHERS INC.** managed the aforesaid motor vehicle.

12. At all times herein mentioned, Defendant, **PAUL N. SENSENIG**, managed the aforesaid motor vehicle.

13. At all times herein mentioned, Defendant, **WELLS BROTHERS INC.**, controlled the aforesaid motor vehicle.

14. At all times herein mentioned, Defendant, **PAUL N. SENSENIG**, controlled the aforesaid motor vehicle.

15. At all times herein mentioned, Defendant, **WELLS BROTHERS INC.**, maintained the aforesaid motor vehicle.

16. At all times herein mentioned, Defendant, **PAUL N. SENSENIG**, maintained the aforesaid motor vehicle.

17. At all times herein mentioned, Defendant, **MOHAMMED SIDDIQUE**, was the owner of a 2001 Toyota Pmotor vehicle bearing Connecticut State registration number SCE-863.

18. At all times herein mentioned, Defendant, **MOHAMMED SIDDIQUE**, operated the aforesaid motor vehicle bearing Connecticut State registration number SCE-863.

19. At all times herein mentioned, Defendant, **MOHAMMED SIDDIQUE**, managed the aforesaid motor vehicle.

20. At all times herein mentioned, Defendant, **MOHAMMED SIDDIQUE**, controlled the aforesaid motor vehicle.

21. At all times herein mentioned, Defendant, **MOHAMMED SIDDIQUE**, maintained the aforesaid motor vehicle.

22. At all times herein mentioned, I-84 Westbound West of Milepost 68.5 near Exit 20 in the County of Putnam, State of New York, were public roadways, streets and/or thoroughfares.

23. That on December 20, 2007, Defendant **PAUL N. SENSENIG** was operating the vehicle owned by **WELLS BROTHERS INC.** at the aforementioned location.

24. That on December 20, 2007, Defendant **MOHAMMED SIDDIQUE** was operating his motor vehicle at the aforementioned location.

25. That on December 20, 2007, Plaintiff, **HAFEZ AHMED**, was a passenger in the motor vehicle owned and operated by Defendant **MOHAMMED SIDDIQUE** at the aforementioned location.



26. That on December 20, 2007, at I-84 Westbound near Exit 20 in the County of Putnam, State of New York, the aforesaid motor vehicles were involved in a collision.

27. That as a result of the aforesaid collision, Plaintiff, **HAFEZ AHMED**, was injured.

28. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendants without any fault or negligence on the part of the Plaintiff contributing thereto.

29. That Defendants were negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicles and the Defendants were otherwise negligent, careless, and reckless under the circumstances then and there prevailing.

30. That by reason of the foregoing, Plaintiff, **HAFEZ AHMED**, sustained severe and permanent personal injuries and was otherwise damaged.

31. That Plaintiff, **HAFEZ AHMED**, sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

32. That Plaintiff, **HAFEZ AHMED**, sustained economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

33. That Plaintiff, **HAFEZ AHMED**, is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault insurance and/or for which no-fault insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault insurance under the facts and circumstances herein.

34. That this action falls within one or more of the exceptions set forth in CPLR §1602.

35. That by reason of the foregoing, Plaintiff, **HAFEZ AHMED**, has been damaged in a substantial amount to be determined by the Supreme Court of the State of New York which amount exceeds the jurisdictional limits of all lower courts which might otherwise have jurisdiction thereof.

**AS AND FOR A SECOND CAUSE OF ACTION  
ON BEHALF OF ROKEYA BEGUM, Spouse**

36. That at all times hereinafter mentioned, Plaintiff repeats, reiterates and realleges each and every allegation contained in the First Cause of Action, with the same force and effect as though set forth herein at length herein.


37. Plaintiff **ROKEYA BEGUM** is the spouse of Plaintiff **HAFEZ AHMED** and as such, is entitled to his services, society, companionship, consortium and support.

38. That by reason of the foregoing Plaintiff **ROKEYA BEGUM** was deprived of the services, society, companionship, consortium and support of Plaintiff **ROKEYA BEGUM** in a sum that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff, **HAFEZ AHMED AND ROKEYA BEGUM**, demand judgment on all causes of action against all Defendants in a substantial amount to be determined by the Supreme Court of the State of New York which amount exceeds the jurisdictional limits of all lower courts which might otherwise have jurisdiction thereof.

Dated: Brooklyn, New York  
January 2, 2008

Yours, etc.

  
\_\_\_\_\_  
ARKADY FREKHTMAN, ESQ.  
FREKHTMAN & ASSOCIATES  
Attorneys for Plaintiff  
60 Bay 26<sup>th</sup> Street  
Brooklyn, New York 11214  
718-331-7700

TOTAL P. 09

INDIVIDUAL VERIFICATION

STATE OF ~~NEW YORK~~ <sup>CONNECTICUT</sup> )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

HAFEZ AHMED + ROKEYA BEGUM


, being duly sworn, deposes and says: that  
deponent is the plaintiff in the within action; that deponent has read the foregoing <sup>or the complaint has been read to the deponent</sup>  
COMPLAINT and knows the contents thereof; that the  
same is true to deponent's own knowledge, except as to the matters therein stated to  
be alleged on information and belief, and that as to those matters, deponent believes  
them to be true.

x ROKEYA BEGUM

x Hafez Ahmed

Sworn to before me this

2 day of January, 2008

  
Notary Public **FRECHTMAN ARKADY**  
Notary Public, State of New York  
No. 021776  
Qualified in Kings County  
Commission Expires 03.22.2011